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THESE ARE THE TIMES

THAT TRY

MEN'S SOULS!

A LETTER TO

JOHN FROST.

A PRISONER IN NEWGATE.

BY HENRY YORKE.

—— Stop his mouth; Gaoler bring fetters, and ſtake him to the ground.
—— Do your pleaſure, I matter not your fetters.

STATE TRIALS, vol. ii. page 611

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LETTER, &c.

MY DEAR FRIEND,

THE circumſtances of your trial and ſentence have greatly agitated the public mind, already too much ſoured by the variety of rigid proſecutions it has lately witneſſed. That an object of miniſterial hatred ſhould be ſought out as a victim of miniſterial vengeance, can excite no ſurprize among thoſe who have been in the habit of attending to the mad and unexampled career of the preſent adminiſtration. It is the character of bad men to cruſh thoſe they

Reform.

have injured, but when either the laws of the land are tortured from their original intent, and unfair conſtructions put upon them, or when the civil magiſtrate intervenes armed with all the terrors of penal juſtice, to inflict ſevere pains and penalties on men for mere matters of opinion, the whole nation becomes alarmed for its liberty, and even men who had been before indifferent and neutral, haſten to its juſt defence. Tame as prieſts and tyrants have made mankind, they will not long be ſeduced into a belief that harſh and violent meaſures are indiſpenſably neceſſary to the ſupport of a legitimate and honeſt government, nor will they conſent to the ſubverſion of thoſe barriers which have been fortunately erected for the defence of public freedom. Neceſſity, the tyrants deviliſh plea, may for a while ſeem to juſtify uſurpations on natural liberty, and even acts of cruelty and revenge, but when the people diſcover what *may* be done and reaſon by what *has* been done during hard and jealous

times

times under this pretence, they will arouſe from the torpid ſlumber of ſervility, and ſeek through all the varieties of fate, the overthrow of a ſyſtem ſo repugnant to morals, juſtice and good government.

Your caſe is before the moſt ſolemn tribunal upon the earth, whoſe motives are pure, whoſe deciſion will be unbiaſſed, whoſe verdict, if they make your cauſe their own, will be finally a verdict of truth. They will beſt judge whether the confidence and quiet of domeſtic ſociety, the liberty of opinion, that boaſted palladium of Britiſh freedom, and the perſonal ſecurity of individuals have or have not been violated in your perſon. It is not the intention of this letter, to anticipate the judgment of an enlightened public, altho' i am perſuaded that it is already unanimous; but to vindicate our right to a free diſcuſſion on every ſubject of religion or civil polity, to aſſert the ſublime principle of EQUALITY OF RIGHTS, in defence of which you are become a martyr, and to prove that your ſufferings, inſtead of

diſgracing you and the cauſe, confirm your glory and add to the triumphs of freedom.

There is a ſolitary aphoriſm amid the religious errors and impoſtures of Mahommed, in which the enlightened part of mankind are agreed, "*it is the will and* "*command of God, that all men ſhould be* "*free.*" Yet, hiſtory is tarniſhed with the frightful portrait of the crimes of Kings and the diſaſters of the human race, in ſtruggling to oppoſe or to obtain this principle. All the ancient governments which have worn the ſemblance of popular freedom have been overthrown, and others that have derived no claim to obedience but from the terrors of conqueſt or uſurpations have crumbled into ruins. The inveſtigation of the cauſes of the inſtability of governments affords both a pleaſing and uſeful ſubject of contemplation to the Philoſopher; nor has the ſubject, been diſhonoured by the writings of Gibbon or Monteſquieu, in which the progreſſive march of governments has been traced to the

the awful period of their fall, and an ample field of political inquiry prepared for the human mind to range in.

It is an indiſputable fact, that the inſtability of governments can never be attributed to the people governed, but to the ignorance, the wickedneſs, the folly, and the cruelty of their rulers, or the iniquity of their ſeveral inſtitutions. There never has been a firſt principle, to which, during the agitations and ſtorms of civil fury, the contending parties could recur; and the conſequence has been invariably, that after the removal of the immediate object of terror, oppreſſion or complaint, the people returned to their ancient cuſtoms, and ſunk again into the lethargy of ſervitude. Hiſtory no where records an inſtance of a conſtitution formed by the people themſelves, on the baſis of liberty and equality, nor of any ſpecific declaration of rights, that ſhould control the caprice of rulers by dictating a fixed and efficient mode of government, and

reſtrain the licentiouſneſs of the people, by adjuſting the proper limitations of obedience. Hence ariſe the origin of popular tumults, the inſtability of governments, and the cauſe of the changes the Engliſh government has in particular undergone.

We have long been amuſed with the lofty ſounds of *timetried conſtitution and happy frame of government*, but we have never been favoured with an explicit definition of them. Surely, at a time when ſo many ſevere puniſhments are inflicted on our fellow citizens, for the avowed purpoſe of maintaining that conſtitution, it is the duty of our rulers, to expoſe to the view of the public, thoſe *excellent* ſtipulated conditions of rule and obedience which have for ſo many years baffled the exploring genius of antiquaries, which has proved ſo fatal to audacious inquirers and let looſe upon us in theſe times ſuch fierce and terrible proſecutions. The preſent meaſures of unexpected violence might then be juſtified, and it would tend to criminate and cruſh

thoſe

thoſe rebellious giants who have openly diſputed its exiſtence, and the ſucceſs of whoſe cauſe, but a very ſhort lapſe of time will determine. Such a meaſure, would infallibly reſtore the nation to its old good humour and its old good nature, and the excluſion of an immenſe majority of the people from the common rights of men, in favour of a corrupt minority, would doubtleſs be reconciled to them upon *the principles of that conſtitution.* But, if no ſuch conſtitution be brought forward we are reduced to this dilemma; either to doubt that it ever *did* exiſt, or to demand in a tone of ſerioufneſs that it be replaced by another, not formed on the crude and undigeſted materials of Gothic barbariſm but adopted to the times and circumſtances in which we live, and made by the people who are immediately intereſted in its excellence.

Admitting that it has ever exiſted, it muſt not be concealed that the long preſcription of a thouſand years appears to be the only title

title it has to veneration, which, like gothic architecture we venerate even in ruins. That the people of England may have lived happily in former times, i do not mean to deny. It is not to be wondered at that after the bloody and desolating wars which an heroic and outrageous ambition induced our kings to wage on the continent of Europe, succeeded by a long tempest of intestine broils, which carried off the flower of the British Youth, in the contests between the houses of York and Lancaster, and afterwards by the terrible reign of Henry the the VIII. during which *seventy-two-thousand* human beings were immolated to the sanguinary genius of orthodox tyranny, the people of this country should feel themselves *blessed* even under the calm of despotism, and praise that government which relented of its fury, and ceased to devour. At the time of the reformation, religious disputation occupied solely the attention of men from the palace down to them eanest hovel, until in the reign of Edw. VI. a forcible

transfer

transfer of the ſuperſtition was made from the aſſumed head of the Chriſtian flock to our temporal prince who thenceforward, in conformity to the ancient imperial cuſtoms, became king and pontifex maximus.

The people had ſcarce taken breath from the miſeries and bloodſhed always attendant on religious quarrels, when a new family came to domineer over them—a family whoſe arrogant principles led them to attempt the ſubverſion of their *civil* liberties, and to erect on the iſland of Britain, the whimſical and deſpotic tribunals of Aſia. We muſt not forget that in compariſon with other nations, the adminiſtration of juſtice in this country has been, and with great reaſon, the theme of foreign panegyric and of virtuous domeſtic pride. We owe this *bleſſing* to thoſe northern free-booters who overran our country, and butchered or hunted out its ancient inhabitants. They brought with them from the vaſt receſſes of the North, their national cuſtoms and

laws, which have been ſo admirably deſcribed in the Germania of Tacitus, and which have been ſince improved by an heap of deciſions and reports learnedly calculated to ſecure the *civil* liberty, and in ſome meaſure the ſocial happineſs of man. The trial by jury, is one of thoſe inſtitutions, which has weathered the wreck of conqueſt with the ſubſequent dilapidations our country has undergone, and has flouriſhed even when civil confuſions have drenched it in blood. No wonder then, the political writers of other nations, ſhould paſs ſuch eulogies on the conſtitution, of this country—no wonder, they ſhould entertain but one opinion upon it, when all Europe was enſlaved, when juſtice was every where transformed into a ſecret commiſſion of death, and human beings, untried, unheard, were immured within the gloomy and ſtrong fortreſſes of deſpotiſm, to endure excruciating agonies, or pine away unlamented during the wretched portion of their exiſtence. The Baſtile then

ſtood!

ſtood! Had Monteſquieu lived to have ſeen its demolition, and to have witneſſed the humble port of government and the mild adminiſtration of law in America, as well as the ſublime efforts which his countrymen, a nation of Gods, are now making to eſtabliſh a ſyſtem of equality and liberty, he would have ſpared his eulogiums; and the two ſolitary ſentences of a Roman hiſtorian and orator (whoſe notions of liberty were merely confined to the democratic licenſe of Rome, while to pamper her corrupted ſons, unoffending cities were laid in aſhes, and thouſands of mortals butchered or enſlaved) would be paſſed over as mere flouriſhes of rhetoric.

The ſtruggles that took place during the reign of Charles I. were not to obtain the original inherent rights of man, but the reſtoration of the *civil* liberties of the people which the tyrant had infringed, and the removal of thoſe odious tribunals that he had inſtituted. There were at that time a few confeſſors of freedom, who ad-

viſed the people to profit by the glorious occaſion, and to inſtitute on the ruins of extinguiſhed monarchy the ſyſtem of equality and republican government. But ſucceſsful uſurpation obviated the attempt; and if the author of the Spirit of Laws had properly analyſed the ſtate of the nation, he would not have entertained the friends of monarchy with a laconic obſervation on the ſubject. The principles of liberty were not generally underſtood, and the doctrine of a pure repreſentative ſyſtem of government would have been deemed utopian and chimerical. The tyrant was no ſooner beheaded, than all thoſe ſects that had conſpired his overthrow, ſought each others deſtruction. The maxims of toleration were neither underſtood nor practiſed; every ſect impelled by fanaticiſm was anxious to ſwallow within its vortex all the others, and diſappointment made each intolerant. The ſtorm of ſuperſtition blew from every quarter of the empire, and conjured up a king again.

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The influence of kingly government on the manners of a nation is no where more viſible than at the Reſtoration. The people, during the times of the Commonwealth, were remarked for their ſanctified appearance, their religious cant, and ſelf-denying ordinances and manners; on the return of king-craft, debauchery of every kind diſgraced the court, and profaned the pulpit, and the example was aped by the people. It was the expreſſion of the monarch, that Preſbyterianiſm was not a religion *fit for a gentleman*, and the opinion was re-echoed from all parts of the nation. Thus, the ideas of virtue and vice, of a good or a bad citizen, change with the diſpoſitions of kings, and not in proportion to the change of circumſtances, and conſequently agreeable to the common good. If the character of the reigning prince be marked by a ſpirit of cruelty, the temper of the nation will be cruel; if his ſucceſſor be diſtinguiſhed for mild and amiable virtues, the people will be characteriſed during

during his reign, for their public and private virtues. Happy would it be for the human race, if the laws could counteract the example of profligate kings; but unfortunately, they wear the complexion of those who make them. If Nero sway the regal sceptre, the laws will be Neronian; if the mild Antoninus rule the empire, the laws will be blessings to a joyful people. Wretched indeed is the lot of that nation, whose laws are thus perpetually changing, and whose happiness depends on the precarious will of their ruler!

The long persecutions and numberless disappointments the aristocracy endured when the government of England assumed a republican form, had soured and embittered their minds, which added to the profligate administration of an arbitrary court, begat an offspring, the monstrous fruit of vice and revenge, that dishonoured and vilified the nation in the opinion of Europe, has been continually preying like a vulture upon our vitals, often shook the govern-

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ment of this country to its baſe, and has been the cauſe of all the crimes and calamities we have borne——I mean PARTY, which has occaſioned new ſyſtems, ſeparate intereſts, and a balance of powers, where anciently all was concentred in one pleaſing focus. The intereſt of the people and of the king were conſidered in the earlier parts of our hiſtory as impoſſible to be diſunited; and it is the duty of the executive magiſtrate to look upon his intereſts inſeparably connected with thoſe of the people, whoſe ſervant he is, and whoſe ſovereign will he is bound to obey on pain of removal. It is blaſphemy as well as high treaſon againſt human nature, to aſſert, that a public functionary *can* have a different intereſt from that of the community.

When James the Second abandoned the government, one would ſuppoſe that the people to whom the power of the ſtate then devolved, would have been conſulted

on the occaſion—that their collective voice in a National Aſſembly, ſhould have proclaimed the Sovereign Will. But no ſuch thing was done. Becauſe a king had ran away, our legiſlators were panic-ſtruck. If they could have ſecured his royal perſon, the good populace of London, who, on ſuch occaſions are the beſt ſtateſmen, would have ſoon ſecured his royal head; but unfortunately our hiſtory does not boaſt of ſo glorious an event. This afforded a fine field for the quibblings and ſubtleties of lawyers, and for a diſputation that would have much better ſuited the meridian of Oxford, Turkey, or Cambridge. We may ſuppoſe one of them delivering himſelf in the following manner :—" My Lords, here was a king, and now here is no king: he who was king, is now not king, although he liveth, for that he hath quitted

* By an error of the printer, the reader will perceive the pages in this place are wrong, but the ſubject matter is right.

quitted his ——dom; if, therefore, your lordſhips do not immediately, ſomehow or other, ſupply his place, we ſhall, alas! be a —dom without a king, and our name will be greatly degraded in the ſociety of nations." If you will read over with ſerioufneſs (which I believe it will be difficult to do) the debates occaſioned by that remarkable event, you will perceive that I have given above a correct analyſis of the merits of the caſe. For they were ſo bewildered with the doctrines of the old ſchool, and terrified at the recent convulſions the empire had experienced, during the ſuſpenſion of monarchial government, that they abſolutely loſt ſight of common ſenſe, and ſome of them went ſo far as to propoſe, by way of cutting the matter ſhort, that the ſucceſſor ſhould mount the vacant throne, *by right of conqueſt*. Had they turned their eyes from the dazzling luſtre of the crown, and recurred to the grand primeval principles of ſociety, they would have left on record arguments that

would have honoured and improved human nature; at leaſt we have reaſon to entertain that opinion, if we are allowed to judge from circumſtances very analogous that occurred in France, when the late perfidious tyrant abandoned his capital, a prey to all the horrors of civil war, and at a time when the regeneration of the empire was incomplete. All the decrees of the conſtituent aſſembly, were marked with wiſdom, and its demeanour was firm and manly. The addreſs to the French nation on the occaſion, is a ſtupendous monument of public virtue, and it operated to confirm the peace of the country, altho' the expatriated nobles and prieſts, with a mercenary band of military ruffians, were hovering on the frontiers, and prepared to ranſack their native land. Under our proſperous circumſtances, and inſulated ſituation, it would have read better on the record, that on that occaſion Sommers and the other orators had danced hornpipes, or brandiſhed daggers in St. Stephen's Chapel.

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However, the Dutchman and his army ſoon put an end to their political diſquiſitions; redreſs of grievances was inſiſted on, and a declaration of rights formed, that was violated almoſt immediately after. No ſacred ſcroll was preſented to the public; and nothing more atteſts the want of a *ſpecific* conſtitution, than the ignorance of the men of thoſe times reſpecting it, and the embarraſſments under which they laboured. Conſidering the Declaration of Rights as a great effort of public virtue, and as calculated to produce much public benefit, i ſhall always regard that period as an important epoch. From that time, we have been gradually loſing what it was the declared object of that declaration to eſtabliſh, and this circumſtance will very ſoon agitate one of the moſt ſolemn and moſt intereſting queſtions on the *meaſure of obedience due to government*.

I now take leave of this part of my ſubject, with a ſingle obſervation reſpecting what has been written above. The inſta-

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bility of our government in common with that of other countries, is to be attributed to two cauſes; the firſt, becauſe it has no principle to which it can remount in times of trouble and difficulty; and the ſecond is, that a vaſt majority of the people are excluded from their lawful rights, and that conſequently there muſt always be a ſtrong party who hate and deteſt the government, and who muſt at different periods acquire ſtrength, and trouble, convulſe, or finally deſtroy it.

The preſent age is a critical one. The corruptions of government have afforded to that long oppreſſed party an occaſion to uplift its head—to expoſe the whole ſyſtem of public fraud, intrigue, and oppreſſion; to encreaſe its numbers even to that of a *majority of the people*; to oppoſe reaſon to the magic ſpells and incantations of governmental ſophiſtry; to ſtrip prejudice and tyranny of their diſguiſe; to invite a world, ſunk in deſpair, to DEMAND THEIR RIGHTS; and to aſſert triumphantly the empire

empire of Peace and Happineſs. Perhaps, nothing has tended more to effect this happy purpoſe, than the late proclamations, the war with France, the vigorous proſecutions of government, and the philippic of an animal, in whom men are as willing to confide, as in a tyger pleading in the cauſe of mercy. Theſe have indeed induced a momentous criſis, becauſe the happineſs of mankind, and of unborn millions, depends upon its conſequences. The conteſt is between principles oppoſed to errors, Man oppoſed to his Oppreſſor; it muſt therefore be great and terrible. A ſyſtem rooted in the ſoil of a country, and deriving a ſacredneſs from preſcription, appears to be a powerful obſtacle to the efforts of the oppreſſed. But if men would analyſe governments, they would diſcover that they are exceſſively weak, and are upheld only by thoſe chains of prejudices and circumſtances, by which they hold mankind in awe. Break but theſe chains, and

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the whole ſcaffolding of authority falls to the ground.

The trumpet of political ſalvation has been ſounded in triumph throughout Britain, and the minds of men are opened to receive the impreſſion of important truths. They watch with ardor the mighty improvements that are taking place in the moral government of nations, and the modes of civil polity; nor are they leſs pleaſed with the proſpect that the expences of the executive branch of the government will be diminiſhed, and the extravagance attending litigations ſupplanted by a firm and equal adminiſtration of juſtice. An imperious neceſſity will ſoon compel them to demand, in a tone of diſpleaſure, the reſtoration of their rights; for they perceive that though they be born in the country, and conſtitute a vaſt majority in it, they are conſidered as a diſtinct nation: the children of misfortune and toil, hewers of wood and drawers of water, continually acquiring property, but never poſſeſſing

any.

any. The commerce of England has been very extenſive; and it is to the ſpirit of enterpriſe, that always attends it, together with cares and concerns, and the imitation of the diſſolute manners of a profligate ariſtocracy, that the attention of the people has been diverted from the conſideration of the more important objects of legiſlation. There is but one way to rouſe an indolent, to inform a deluded, to reclaim a corrupt, or to reconcile a divided people, i mean by argument and perſuaſion: but this ſuppoſes that both argument and perſuaſion ſhall be open to the diſcuſſion of every man, and that government ſhall not interfere.

The analogy holds equally good between a bad man and a bad government; they are both afraid to have their character inveſtigated, for which reaſon they are under the neceſſity of ſcreening themſelves from the cenſures of mankind, by the ſanguinary and vindictive aſpect of law. But Intolerance in the ſtate, like perſecution in

the church, diſhonours and weakens the cauſe it was deſigned to ſupport. Men can never be ſcourged into an admiration of the government; but when it produces a ſecure and general happineſs, and the people feel its effects, the applauſe will be voluntary. Kings and miniſters ought not to be the ſole judges of good government, and univerſal happineſs: which are left to the light and inveſtigation of human reaſon, and employ and improve the beſt talents of the head, and the beſt affections of the heart.

To oppoſe it, is to debaſe and degrade the human mind, to extinguiſh every generous ſentiment and bury all knowledge and learning in the chaos of eternal night. It is ridiculous as well as cruel to attempt to cruſh liberty of opinion, when the conſequence of a free inquiry is the firmer eſtabliſhment of truth and the overthrow of error. Yet, attempts are making to wreſt from us this precious boon of nature, under the pretence of preſerving government; a

disapprobation of which, even in its *forms* is deemed seditious. But our rulers should consider, that whatever is intrinsically excellent will invite the most rigid examination; and that errors alone dread enquiry. If the government of this country be so excellent, as is affirmed by courtiers, it will challenge all controversy, and rest itself not on the habitual prejudices and long consent of ages, but on its moral effects on mankind, on its reason and on its tendency to effect its destined object, human happiness. The right of enquiry may be for ever annihilated, if the dread of insurrections, or any imagined evil tendency should authorise the civil magistrate to blast its vigour. Government may then play off the harlequinade of the priests, and convert every thing into sedition, as they do every thing into heresy, that strikes at their usurpations. A good government can never be overset by opinions, even if they tend to excite partial temporary commotions; but a bad government may, and it is proper that it should,

in order to avoid a more efficacious mode, which not only deſtroys but puniſhes. Happily for the age in which we live, the revolutions that promiſe felicity to mankind, are uſhered into Europe, by a copious flood of light, and not by the partial and factious ebullitions of diſcontent. And thoſe like yourſelf, who hazard fortune and perſonal ſecurity in order to manumit their countrymen from ſervitude and darkneſs, muſt expect at firſt to be oppoſed even by the enſlaved: for men long caged in the dark dungeons of ſuperſtition and prejudice cannot for a conſiderable time bear the reſplendent light of Reaſon.

What muſt be our admiration when we contemplate a whole people conſcious of the dignity of human nature, requiring the peaceable reſtitution of their Rights!—when we ſee a world moved and alarmed, ancient inſtitutions vibrating from their decayed foundations, the ſtrong-holds of tyranny deſtroyed, and the miſerable pro-

proprietors of antiquated governments combating the progreſs of Reaſon and Reformation, not with reaſon, but with the foul engines of havoc, with the logic of demons. They may congratulate each other, if the ſword with which they have ſtruck, does not recoil on the blow and deſtroy themſelves. Men will never ſuffer themſelves to be cannonaded into ſlavery, nor will they be perſuaded to believe that it is of divine origin, until they ſee men born with bunches on their backs like a camel, deſtined to labor and toil, and kings with combs on their heads, like cocks, to ſtrut and to crow.

Almoſt all the revolutions that have happened, were turbulent, bloody, and unprincipled; but ſurely no good man will think that a revolution giving happineſs to the preſent age, and tranſmitting a rich bequeſt to future generations, leaving to their diſcretion the liberty to correct, improve, pawn or annul that inheritance in favour of a better, no one will think that ſuch a revolution is dearly earned, altho' a

whole

whole generation periſh in the conteſt. For, we ſhould always reflect that the grinding evils of the preſent day are nothing in compariſon to what they will be, when a longtrain of misfortunes ſhall have accumulated other evils upon them, that render them more monſtrous and gigantic and conſequently more difficult to overthrow. When corruptions have mounted to their climax, then it is that unſkilful legiſlators are for applying temporary repairs, inſtead of prudently ſweeping the whole away, and beginning afreſh on principles, and on circumſtances accomodated to the times. The guilt of rulers is not to be meaſured ſolely by the immediate conſequences of their crimes, but by their diſtant effects, for when the conſequences of their crimes are over, the conſequences of their example remain. He is indeed a poor philoſopher whoſe narrow ſyſtem of benevolence extends no farther than the grave, whoſe avaritious mind is ſo corrupted as not to perceive

that the happineſs and comforts of future millions, depend in a great degree on the prudential inſtitutions of the preſent day. Poſterity muſt reap an harveſt from our ſowing, and i wiſh in the ſincerity of my heart, that it may be a more profitable one than what we have to this moment acquired from the long experience of barbarous and prejudiced antiquity.

Will it not appear incredible to a happier poſterity, that the efforts of human nature to attain perfection in the conduct of public and private affairs ſhould be vigorouſly oppoſed and puniſhed by laws, which were not made (as they ſhould have been) by the people, but by a faction calling itſelf the people, aſſuming their rights, and acting as from them, but without their conſent?

If the people be denied the right of political diſcuſſion in one inſtance, they may be in all;———where are we to draw the line, and when is the long oppreſſed race of man to look for redreſs?

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ſor hoary headed prejudice might arrogate to itſelf authority, and claim a legitimate conſent from the ſullen monotonous ſilence of a people. But what a ſcene will this be for Engliſhmen to witneſs? from one part of the empire to the other, we muſt bow the knee to Baal, and kiſs the rod with which we are ſcourged; human genius will be doomed to an eternal ſleep, and ſcience will weep in ſecret over the ruins of literature; nor will the manly ſtrains of patriot eloquence ever dare to diſplay the agonizing tears of the innocent, and the pangs of the oppreſſed, nor draw iron tears down the cheeks of relentleſs deſpots. When the cruel gripe of oppreſſion wrings from the ſweat of the laborious poor, that which may pamper vice in courts, and gorge tyranny in palaces, the people muſt be compelled to ſing hymns of gratitude, and preſent addreſſes of thanks. Thus deſpotiſm will enthrone itſelf in tremendous majeſty on the wreck of public virtue, and Britain diſmantled of the whole artillery

artillery of reaſon and abandoned by her centinels will preſerve the horrid ſilence that reigned in the capital, the night before the Byzantine empire was overturned, by the ſultan of Perſia.

Dreadful indeed is the proſpect before us, if the harſh decrees of law compel us to ſit quiet in humble dependence, whilſt ſlavery in ſpeculation as well as in practice, is making ſuch large and rapid advances, whilſt the laws of nature are perverted to impoſe a yoke of baſe and ſervile prejudices on the underſtanding and conſciences of mankind; dreadful indeed is our caſe if we are forbidden to oppoſe uſurpations that ſo quickly vegetate and mature. Nor ought a people when conſumed by taxes, and labouring under oppreſſion, to await the operation, of ſome unexpected viciſſitude, which may happen in the ſlow revolution of ages, to effect a ſudden tranſition to happineſs from the extremity of miſeries.

The doctrines which the advocates of deſpotiſm have denominated ſeditious are no

others than what the moſt enlightened writers, and the moſt zealous patriots, have in all ages and in all countries avowed. i am ready to prove at any time, that even in the celebrated writings of Thomas Paine, there is not a political maxim which is not to be found in the works of Sydney, Harrington, Milton, and Buchanan. Theſe principles have not been confuted; we have heard no language to ſoothe the irritation of our minds, and calm us even into a cold admiration of our government; but we have heard the language of menace, and we have felt the force of rigorous indictments and proſecutions, that tend more to ſour and alienate the affections, than compoſe the refractory ſpirits of the people.

We have here a political cenſor or public accuſer, whoſe office it is, to drag before the tribunals of criminal juſtice, thoſe daring members of ſociety, who are reſolved not to conceal perfidy, vice, injuſtice, and cruelty, and to endure all misfortunes, rather than flatter their country. A public accuſer, is evidently a pledge for public

public freedom, when he is independent of every party and power in the ſtate; but when he holds his place at the nod of a king or a miniſter, there is great reaſon at leaſt to ſuſpect, that inſtead of being the grand centinel of liberty, he ſhould degenerate into an ignominious tool of deſpotiſm. In ſuch a caſe, nothing is to be expected in a time of national diſcontent, but an unvaried ſcene of proſecution.

Notwithſtanding the vaſt powers with which this officer is intruſted, in caſes of ſedition, and the ſupport that public authority derives from that terrible engine of deſpotiſm, a ſtanding army, aided by the diſpoſal of twenty-five millions of the public property annually, in places, penſions, and patronage, and by the hue and cry of court ſycophants and expectants, they have been found inadequate to the purpoſe of a coercive government, and a neſt of conſpirators againſt the happineſs of mankind, has aſſociated, to corrupt the harmony of domeſtic life, and to poiſon juſtice in its

very ſource. Is there any precedent on record, to juſtify ſuch an aſſociation? or does it not rather derive its legitimacy from the maxims of Venice, and the example of the Eſcurial? It is more odious than any of theſe, becauſe the ſcene is acted in a country boaſting of the pre-eminence of its civil and political liberties; more terrible becauſe more diffuſive and deadly in its operations; more abominable, becauſe it transforms a people famed for their generous temper, into a ſervile nation of ſpies and informers.

Nothing more proves the weakneſs of a government, than ſecret accuſations, nor has a greater tendency to make men falſe and treacherous to each other. Yet, is it not aſtoniſhing that government, which has been ſo ready to proſecute and puniſh on other occaſions, has taken no notice of theſe libelliſts *againſt itſelf*, but has ſecretly encouraged and ſupported them. For individuals to quicken the vigour of criminal proſecution, on matters of mere opinion,

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is an inſtance of depravity that no hiſtory records, and no dangers warrant. What have been its immediate effects? The open character of the people, is converted into a diſtant reſerve; diſtruſt and jealouſy, even of our boſom friends; confidence, which is the ſole pillar of ſociety, is proſcribed; gaiety, joy, and hilarity, are baniſhed from our iſland; a fixed gloom and melancholy have ſeized us; the heart is no longer glad; and every man ſuſpects an enemy in a friend, becauſe a diſhonourable hope of reward may have filched from him his honour, and ſeduced him to become a ——, an informer.

Accuſtomed to conceal their real ſentiments from others, the people will proceed to hide them from themſelves, and then what ſecurity ſhall we have for the exerciſe of public or private virtues? Deep in his boſom muſt a man hide his ſorrows, and in the irritation of contending paſſions, his grieſs corrode his exiſtence, and finally deſtroy him. Miſerable indeed is that government which

ſuſpects every ſubject to be an enemy, and to ſecure its continuance, ſacrifices the repoſe of every individual.

In the name of juſtice, of property, (that they revere ſo much), in the name of all the impoſing crafts which they ſtruggle to uphold; in ſhort, *for the ſake of the government and themſelves*, I ſolemnly requeſt the aſſociators, to deſiſt from their hoſtile meaſures againſt their fellow-citizens, leſt the people, weary of the fangs of an unrelenting deſpotiſm, and aroused by an indignant ſenſe of their long and ſhameful proſcription from the common rights of citizens, ſhould, in the ſtorm of civil commotion, be provoked to execute what theſe very men have *ſuggeſted*, and vote every obſtacle to popular freedom, both *dangerous* and *uſeleſs*.

The permanence of every government, depends on opinion, nor can the moſt bloody ſtatutes compel or change opinions, at all times more efficacious than laws. In vain is the exerciſe of the latter,

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if the public mind be refractory from principle. It is even barbarous and unreaſonable to puniſh men for opinions that are falſe and unjuſt. We poſſeſs different minds, as we do different bodies; and the ſame propoſition carries not the ſame evidence to every man alike, no more than the ſame object appears equally clear to every eye. Our minds are poliſhed by colliſion, and the faculties that nature has given us, are given to be uſed. It is ingratitude as well as folly to return the gift upon her hands. There is no law of ſedition made; its conſtruction reſts with the Judges, whoſe competence on this ſubject may be doubted with reaſon. Every member of the community ſhould know when he is criminal and when innocent. It is the uncertainty of crimes that has ſacrificed more victims to ſecret tyranny, than have ever ſuffered by public and ſolemn acts of cruelty.

Reform.

Who ought to be the Judges of the excellence of a government, *the few who go-*

govern, or *the millions for whom the government was originally made?* Kings and rulers are the creatures of the people, and not made to be the inſtruments of their miſery.

The moſt legitimate government depends on the acquieſcence of the people, which manifeſts itſelf in their ready obedience to it, on motives of *convenience*. If on the contrary, they obey a government which diſowns their ſupremacy, and conſequently denies the natural and impreſcriptable rights of man, that obedience is not legitimate but arbitrary and diſcretional, and the *government is itſelf a tyranny*. With a bayonet at my throat, or the iron ſcourge of law uplifted before me, i may be driven into obedience, but it can never be voluntary. Hence, as i before obſerved, the greateſt misfortunes that have happened to mankind, originate from the want of a baſis of aſſociation and government. Preſcription conſecrates villainy and injuſtice, without diſtinction; no deductions, therefore can be drawn from the ſullen acquieſcence of man-

mankind to governments from their antiquity, but from their fulfilling the ſacred deſtinations of all governments—EQUAL AND UNIVERSAL HAPPINESS.

Another evil conſequence ariſing from the intervention of the civil magiſtrate in matters of libel, is, that he will be judge in his own cauſe. For, if abuſes paramount to all calculation exiſt, and by them the magiſtrate maintain his authority, it is obvious that he will decide in favor of what *is*, and not of what *ought to be*. We have examples enough before our eyes of the moſt profligate corruptions, and proſtituted villainy, receiving protection and countenance from men of this deſcription.

It is a vulgar error, that there are certain truths ſo ſacred in their nature, and others ſo dangerous in their conſequences, that they ought not to be publicly diſcuſſed. If this were generally adopted, all manner of proſecutions would be juſtified; and in forbidding the examination of popular queſtions, a magiſtrate muſt employ his perſonal

talents to diſcover their nature and import, in which he is as likely to be miſled as other men, and therefore he may pronounce thoſe principles to have an evil tendency, which in the opinion of leſs prejudiced men might be productive of the greateſt happineſs. Experience demonſtrates, that this exorbitant power is calculated only to retard the progreſs of reaſon, and the perfectibility of human nature. It is not what a man in office does, but what he *may* do. This ſavage and wanton policy condemned Anaxagoras, the moral Socrates, Copernicus and Galileo; and in later times the nobleſt production of Natural Philoſophy was doomed to a perpetual oblivion by the Sovereign Pontiff. Such have been the effects of State Intolerance againſt the peaceful progreſs of Philoſophy; in matters of religion, a miſerable monk, by an happy union (the only one in the annals of hiſtory) of princes and people baffled the thunders of the Vatican, became victorious over the prejudices of ages, and defied the

tyranny

tyranny of bigots. And had toleration been complete here, the coloſſal empire of ſuperſtition would have been ſupplanted by the Religion of Reaſon.

Men never united into ſocieties, in order to debate abſtract and metaphyſical truths, but to defend their ſocial rights, and to protect each other in the free exerciſe of their phyſical and moral faculties. The intervention of the civil authority in ſuch caſes, is therefore in direct oppoſition to the end of its own inſtitution, which is to maintain the rights of human nature, and to encourage the diſcovery, and promote the diſtribution of truths, however novel, and oppoſite to ancient prejudices, as the moſt efficacious mode of ſecuring the permanence of thoſe rights. If, from a conflict of argument, men ſhould deſcend to a trial of force, then it is not only laudable, but it is the duty and office of the civil magiſtrate to intervene to preſerve the public tranquility, by the prevention of individual violence. Thus far and no farther, has authority a

right to control the actions of men; but government is at no time warranted in arming itſelf againſt the people, whoſe SOVEREIGN WILL can at all times annul the actual government, and conſtitute another at its pleaſure.

Whole oceans of blood have deluged the world in ſupport of opinions, and had governments ſtood aloof during the war of words, the peace of reaſon and of happineſs would have ſoon ſucceeded. The ſame enthuſiaſm agitates the minds of men, nor can any martial apparatus *compel* them to relinquiſh opinions founded on the eternal baſis of truth, liberty, and juſtice. I would rather ſee the floodgates of deſolation opened again, than that thoſe eternal truths ſhould ſink into a neglected and unpitied oblivion. Paſſion or intereſt may cauſe error to float for a time on the ſurface of the mind, but they cannot give it ſtability and durable uniformity. Nature has impreſſed on the human heart ſentiments and feelings which overcome effectually all theories that tend to injure it: but education has been artfully

artfully introduced to ſupplant thoſe feelings by artificial ſentiments, and to mould the human heart from its primitive benevolence into that of a tyger.

To forbid the miſerable to complain, is an inſtance of tyranny, that rivals that edict which commanded all men, during the ſlaughters and proſcriptions of the triumvirs, to be merry on pain of death.

A nation ſhould be as jealous of its liberty as a virgin of her honour; like her, it ſhould encounter all misfortunes rather than part with it; for when the rights of human nature are not reſpected, thoſe of the citizen are gradually diſregarded. Yet, the love of our country is ſubordinate to that of humanity; and if our enterprizes were confined merely to local and temporary profits, and not to the general advantage of the human race, they would amount to crimes. Benevolence is of no country, but embraces within the wide circle of her arms, from lake Huron to the wall of China, the brotherhood of the human race.

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The Trial by Jury is the only pledge we have for the ſecurity of our civil liberties; but we have ſeen all its rights forcibly wreſted from us at the cloſe of the eighteenth century, and an attempt made to revive the deſpotic court of the Star-Chamber. Unprofitable indeed is the legacy of our forefathers, and the memorable battles they have fought in ſupport of freedom; unprofitable is the thirtieth day of January, if this ſacred guardian of popular freedom be ſurrendered by their baſe and inglorious poſterity. Our deareſt intereſts muſt be committed to the caprice and fleeting prejudices of corrupt or partial judges; while the happineſs or oppreſſion of the whole people will be determined by a pliant oligarchy, co-operating in the crooked ſchemes, and profound artifices of a voracious and arbitrary court.

The law of England recogniſes no inherent authority in a judge to dictate opinion to a jury, ſworn to decide on the merits of the caſe *according to the evidence*; but

but judges have uſurped this power to themſelves, and maintained doctrines that render the Trial by Jury unneceſſary, and even odious. What advantage do we derive from it, if, on a bare ſuſpicion of guilt, the accuſed be delivered over to impriſonment, at the diſcretion of a judge, before he is pronounced guilty by a verdict of his countrymen?—If expenſive litigations ruin the man who has the honour and miſfortune to be hated by government;—If the mere fact of publication, and direct import of the words be the ſole objects of a jury's inquiry;—if the judges, who are the mere oracles of the law, or, as Monteſquieu properly denominates them, *inanimate beings, who can neither moderate its force nor its rigour*, direct a jury to find a verdict *according to law*, which they otherwiſe would not do, *according to fact and reaſon?* What ſecurity have we for our liberties and lives, if it be in the power of *packed* juries to deprive us of either? if we are robbed of our ancient right of chal-

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lenging the jurors? if crimes are not to be judged by men chosen from the vicinage in which they were committed?

The man who has the ill fortune to be tried by a *Special Jury, selected by an officer of the crown*, need make no defence: for *right* is never to be expected from men who are picked out to judge *wrong*. It is immaterial whether such a jury receive, like miserable hirelings, the wages of iniquity for their perjury, or whether they be men notorious for principles and passions opposite to those of the defendant; they could alike regard the libeller as a rebel, and an enemy to their country: their antipathies have long since soured their minds against their opponents, and *they are no other than judges in their own cause*. Of what consequence are the efforts of patriotism, aided by a character adorned with every great and noble sentiment, and the most splendid oratory, if it must fall inevitably a victim to power by the determination of such a jury? And if

the

the judges be reduced to beg the unhallowed alms of the court, either for themſelves, their friends, or their families, what are we to expect but a coalition between the executive and the judicial offices of the ſtate; than which there cannot be a more fatal blow to the liberties and happineſs of a people? another *Jefferies campaign* may again deſolate our country, and the government reap a rich harveſt of death and victory from the pliability of men who defile the ſanctuary of juſtice, and become the wicked agents of vindictive power.

Doubtleſs, it is a trying ſcene, for an obſcure ſubject, to contend againſt the ſupreme executive magiſtracy of the ſtate, armed with all the terrors of diſtributive and penal juſtice. But there cannot be a ſight more pleaſing in the eyes of virtuous beings, than ſuch a man, contending to ſave his country from injuſtice and oppreſſion, though on the certain condition of ſuffering himſelf in the attempt. It was the expreſſion of Seneca, that the nobleſt

ſpectacle, which God can behold is a virtuous man ſuffering and ſtruggling with afflictions, and ſurely no man in this enlightened age, will heſitate to ſacrifice all perſonal conſiderations to the common good. A man may be ſentenced to endure the ſame puiſhments as the moſt infamous of criminals, but the infamy is attached to the machine on which he ſuffers, and not to himſelf. When no diſtinctions are made between the man who is puniſhed for opinion, and him who diſgraces the name of man by the fouleſt crimes, the world ſoon diſcovers the theory of ſtate puniſhments, and infamy never purſues the martyr to a popular cauſe. The founder of chriſtianity was condemned to a puniſhment, the moſt ignominious that could be inflicted, in thoſe days; and to add to his diſgrace, two thieves were executed with him. He too was condemned for opinions, and his crime confounded with the violators of the public peace. No terrors therefore ſhould deter the patriot from attempting to manumit the human

human race; and he who for the ſake of the people of Britain, lifts up his head to arraign the ignorance or deſpotiſm of their rulers, and who becomes a defendant when a king is plaintiff, may be elevated on a pillory, but a grateful poſterity will erect monuments of braſs to his memory.

The fate of the Britiſh patriots who periſhed in the laſt century, and to whoſe names the enemies of our cauſe are compelled to render an involuntary praiſe, is an example that ought to warm us into a ſpirit of uncontroulable perſeverance. Let us invoke the ſpirits of Hampden, Ruſſel, Prynne, Vane, and ALGERNON SYDNEY. And now that i mention Sydney, i feel my heart glow with a patriotic fervour, and i glory to hold up his life, writings, courage, and even his death to the imitation of Engliſhmen. He was ever plotting and ſcheming the ſubverſion of a cruel and iniquitous ſyſtem of oppreſſion. Inflamed by the great and brilliant examples of antiquity, he boldly ſought to eſtabliſh

an unintricate form of legiſlation, and became a martyr to that good old cauſe which he had embraced from his early youth. When the virtuous Ruſſel bled, tears of pity ran down the cheeks of ſurrounding multitudes, but when ALGERNON SYDNEY, the great conſpirator mounted the ſcaffold, no ſymptoms of effeminate grief were viſible, but the ſpectators were inſpired with the fire of republican freedom and rouzed to animation, amidſt the harſh notes of the trumpet, that blew the horrid blaſt of triumphant deſpotiſm, and the noiſe of drums that rolled the funeral dirge of liberty, and drowned the voice of the expiring patriot.

There may be conſpiracies againſt national liberty as well as againſt a government; and the attempt to deſpoil a people of their right to a free and equal adminiſtration of juſtice, is a more barefaced and diabolical one, than that which ſeeks to hurl a guilty monarch from his throne, or to ſubvert completely a government that ſets itſelf up in

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avowed oppoſition to the intereſts and happineſs of a nation.

The principal criterion by which we are enabled to judge whether rulers are in the true intereſt of the people or not, is, when when they are ſo conſcious of their upright motives, as to employ no other than lenient meaſures to reclaim a diſaffected or convince a refractory nation. The moment they diſcard ſoft and gentle methods, and contaminate the fountain of diſtributive juſtice, confidence is at an end between the government and the people and ſuſpicion aſſumes its place; encouraged by the progreſs of that liquid fire that ſweeps prejudice from the earth, the people may prefer for a time ſociety without a government, rather than tolerate a government that breaks the harmony and peace of ſociety, and affords to a band of deſpots a perpetual ſcramble for power.

I never expected to ſee in a country where the ſcaffold has ſtreamed ſo frequently with the blood of martyrs, meaſures unknown

known to Britiſh policy adopted to ſupport a Britiſh government—to hear men denounced to have vicious and depraved hearts, becauſe they *think* it is owing to the phætontic adminiſtration of kings, that nations have fallen into a ſtate of war and poverty worſe than that of ſavage nature, that in conſequence the law which gives a patent to an individual to perpetrate crimes with impunity is humanicide, cruel and unjuſt. But, the experience of paſt times, ſhould have taught our rulers, that all attempts to break our ſpirits and wear out our patience, by long and tedious impriſonments, are abortive. He alone is poſſeſſed of an impious mind and depraved heart, who in the face of Europe invokes the bloody wrath of kings againſt the liberties of men, and blaſpheming human nature, boaſts that in Britain a Baſtille is rebuilt, and (horrid idea !)the manſion *tenanted* by a libeller of the delightful viſion of his dotage—of Maria Antoinette. Hope, which is the only boon of the wretched, ſcarcely

beams

beams into theſe monſtrous caverns of ſtates; Lord George Gordon is doomed in the full vigour of his days, to count a life of impriſonment, and to ſlide gradually into the manſions of death. Nor ought we here, to turn aſide our eyes from thoſe gloomy habitations of ſorrow, where misfortune is aſſociated with crimes, and youth is cropped in the bloſſom, and ſuffered to wither and droop unſeen.

The ſcene of a priſon muſt be ſhocking, if it be only conſidered that in that ſpot are conſolidated the various combinations of vice, to which youth are unhappily nurtured from a wretched ſyſtem of education, and from the baneful and ſeducing example of a debauched age in their ſubſequent introductions into life. They are compelled to join in the intemperate revels that are invented to drown reflection; and expences heaped on expences, make their proſpect of liberty altogether improbable. The impriſoned debtors of England are equally intereſted in the fate of our cauſe; though im-

immured, they have ſeen the illumined firmament of reaſon blazing emancipation to the human race, and they yet may hope that at the cloſe of a century full of events and trials, commiſeration ſhall penetrate into the iron hearts of legiſlators, and the priſons let forth their captives to ornament and benefit mankind.

You may always judge of the conſtitution of a country by its laws; if they be ſevere, the government is tyrannical, and the people are all ſlaves. The rigour of laws diminiſhes or encreaſes in proportion as a nation approaches or departs from liberty. It is a common remark in China, that *at the eve of a revolution*, there is always a *great encreaſe of rigorous puniſhments*. If, therefore, our government ſhould proceed as it lately has done, we may witneſs the day when a loving wife ſhall be compelled to give *two hundred chickens*, to be indulged with *one* night's lodging with her huſband; the Jews may expect to have their teeth wrenched from the ſockets; or

y man may dread execution for wiſhing the horns of a deer in the belly of a king.

Harſh epithets diſgrace thoſe who employ them; they are the feeble weapons of rage, cowardice and revenge. There is no difficulty in ſtigmatizing a man with a vicious heart, who abhors a vicious government, for many a horſe has been deemed vicious, becauſe his rider was ignorant of any other mode of managing him but by the whip and the ſpur. But what inference can poſſibly be drawn of the vicious temper of an individual from holding the character of kings in utter abomination, and profeſſing himſelf an advocate for equality (*when one of them in the laſt century declared that though his miniſter had been guilty of many bad things againſt the people of Scotland, yet he could not find that he had acted any thing contrary to his intereſt*) is what i cannot at preſent diſcover, unleſs it be upon the principle i have before ſuggeſted, that our notions of virtue and vice are regulated by the will and ex-

ample of our rulers. May not a man be a good citizen, a generous neighbour, and a faithful friend, who adopts ſuch opinions? and *may he not be alſo, when provoked, a dangerous and unconquerable enemy?*

All men are by nature equal to the enjoyments of the ſocial union; nor has a ſyſtem of unqualified equality ever been propoſed by the aſſertors of general liberty. The doctrine of an equalization of property is unknown to the thoughtful men of this age, and is to be found only in the viſionary republic of Plato, and the Utopia of Thomas More. Fearful that men of property ſhould coaleſce with the people in attempting a ſubſtantial reformation of the abuſes and corruptions of government, which have reached to ſuch an height, as to endanger its very exiſtence, "the aſſociation againſt republicans and levellers," have refabricated this chimerical and untried maxim of ſtate, and fathered it on the reformers of England. They have ſucceeded (i bluſh for the nation) in their wicked manœuvres; and

and perhaps, it is in ſome reſpect owing to the general terror occaſioned by ſuch an inſinuation, that we have been plunged into a war, whence we can derive nothing but a painful and bitter repentance. The friends of this country have uniformly denied the principle, and the eyes of the deluded gentry are at length opened, to the falſehood of the charge, and they ſee that they have been egregiouſly duped.

Equality of property may exiſt in ſome meaſure, in a ſtate where the country produces all that is neceſſary for the ſubſiſtence of individuals, and the laws are made to prevent the introduction of artificial wants and to limit men to the produce of the country. But as ſoon as they depart from theſe rules, or the condition of ſociety is ſuch, as to make induſtry the mean of acquiring ſuſtenance, equality of property diſappears. But, it is EQUALITY OF RIGHTS, which is the very aim and end of the ſocial union, that the people demand, and which ſooner or later they *will ſecure to*

themſelves. It enſures to all the citizens of a ſtate the free, impartial and equal adminiſtration of the laws which *themſelves* have made. It annuls the exiſtence of orders whoſe privileges enable them to diſpenſe with thoſe laws, or counteract their operation by their influence and power. Such a ſyſtem admits only of one intereſt in the ſtate, which is the INTEREST OF THE PEOPLE, and deems all others that are in oppoſition to it, unjuſt and criminal. No fancied preeminence is allowed to figure in ſociety that may conſume the people with taxes, or worry them with unneceſſary laws. The public functionaries muſt be ſimple citizens in their private life, and magiſtrates in the exerciſe of their duties, becauſe they repreſent the public force or aggregate power of the community. Men obey the whole body of the ſtate, which is the law, and not the individual or individuals, who are only charged to repreſent it. Diſtinctions muſt ariſe from the very principle of equality; but they will be founded on ſuperior merit,

and

and will delegate no authority to their poſſeſſor, to oppreſs or trample under foot a fellow-creature. And theſe diſtinctions will exiſt ſolely on motives of public utility; for why does even royalty exiſt, if it be not for the people? and if it be, continued it is becauſe it is *believed to be uſeful.* Equality of rights is a guarantee of the poor againſt the oppreſſions of the rich —of the weak from becoming the victims of the ſtrong—of men from being converted into brutes, and into the property of the Great. Under the benign ſhade of public freedom, equal laws can only flouriſh, nor can they proſper with a thirſt of power, or a love of war.

If ſociety have refined itſelf into artificial wants, men muſt exerciſe profeſſions to ſatisfy thoſe wants, and *the property acquired by them, is ſacred.* But the grand ſcience of government is, to make ſuch wiſe proviſions, as to prevent thoſe who have property, from employing it to the injury of their fellow-citizens. Society was antecedent

tecedent to commerce; but the one has ſoared ſo high above the other, that governments are arranged and modelled ſolely on the principles of the latter. Thus money predominates over principles, and even makes them, as well as laws, which are completely ſubordinate to it, for WITHOUT MONEY THERE IS NO JUSTICE. But the merchants of the Exchange, and the politicians of St. James's, ſhould reflect that the happineſs of a people is not to be eſtimated by the abundance of wealth, and the extent of territories; both of which are capable of ſapping the foundations of national freedom, and that when a nation exhibits the moſt pompous and magnificent external, domeſtic tranquility may be diſturbed, by vexatious proſecutions, a negligent police, rigid laws, and a want of public and private œconomy. Commerce inſtead of being a bleſſing becomes a curſe when it is of more conſideration with legiſlators than even the moſt important rights and ſocial duties of mankind. Its exceſs

may enable deſigning rulers to reduce the people to a ſtate of moral turpitude and depravity, and to poiſon the very ſtamina of ſociety. It may enable them to palſy the arm of the patriot, and to lull a nation into a complacent ſervility; to encourage every ſpecies of vice that may encreaſe the revenue, or debilitate the ſpirit of a people; and to introduce an infernal commerce of corrupting arts which flowing through a variety of circuitous channels from the palace, into the moſt ſolitary hamlet, may render ridiculous and inſipid the manners of private and the virtues of public life. Hurried away in a torrent of vapid and factitious pleaſures, or in the giddy imitation of the diſſolute manners of the grandees of the nation, the people are loſt to every ſenſe of gratitude or patriotiſm. Charity, which heretofore was the diſtinguiſhed characteriſtic of Britain, is become cold and inanimate as the cobwebs on the poor box atteſt, or if ever exerciſed is made ſubſervient to venal motives. The ſtage which formerly

merly infuſed ſwelling ſentiments of freedom and virtue into the heart—whence the genius of Shakeſpeare flouriſhed to the honour of England is now under the ſcourge of a licencer, and degraded by low and ſenſeleſs ſonnets, that tend more to vitiate than to improve the mind. The pimps of vice and faſhion are ſupported at a vaſt expence, while the awful fathers of mankind, who laſh folly or promulgate truths, are ſentenced to impriſonments, purſued by the inexorable violence of laws, or doomed to ſtarve in a land of arts and of ſciences. Nor are theſe the mere ſpeculations of ſpleen or the cloſet, but theyare daily verified, whereever we turn our eyes, we ſee a diffuſive ſyſtem of miſery among all the members of the community. It is impoſſible that there can exiſt at the ſame time a national glory and a national happineſs independent of the happineſs of the majority or conſiſtent with their miſery, although it is the maxim of legiſlators to form the baſis of political felicity on individual miſery. Thus commerce

merce may be proſtituted to the worſt purpoſes, and the people be blind to the treachery until they bear the moſt cruel fardels, and groan and ſweat under a weary life. It is not my intention to urge any thing in derogation of commerce, which i have ever conſidered, when flowing in its proper channel, as a ſyſtem nobly calculated to harmonize and poliſh the human race *. But it ſhould never be permitted to ſupplant (as it does here) the ſentiments of the heart, and tyrannize over the more uſeful inſtitutions of men; it ought not to be ſuffered to tranſmute rational animals into monkies, and for the ſake of fleeting enjoyments ſurrender their ſocial rights, the nobleſt gift of nature to uſurping powers. Beſides, there is a multitude of exiſting laws in which a ſmall part of the community is favoured in excluſion of the other; and merit has no weight in the ſcale of government, although the deſire of diſtinction and

* See Reaſon *v.* Precedent.

dread of infamy beat as high in the breaſt of the peaſant as of the ſenator; in the ſcheme of taxation, privilege derives advantages beyond all the calculations of political arithmetic, which are known only in proportion as they are felt by the *lower claſſes* of ſociety in their heavy and increaſing burthens. The avowed principle of taxation is totally overlooked, and exemption upholds the plan of corruption in defiance of law, of juſtice, and of man.

Equality of rights therefore may be explained ſimply thus,

1. All men are entitled to the protection of their lives, liberty and property, under the ſanction of law, which are the dictates of the public will.

2. No law can be made by a party of the the people only, which ſhall bind the whole of the people.

3. No party ought to exiſt in a ſtate, that is ſuffered to diſpenſe with the laws, and whom the law cannot reach equally with the pooreſt citizen of the ſtate.

Encouraged by example, and enlightened by philoſophy and experience, the people of England were at the eve of obtaining a wholeſome and neceſſary reform of the vices of government; of compelling the wily public ſharper or more audacious robber to reſtore what he had purloined or plundered from the nation, when they were plunged into an unprovoked and unexampled war againſt our brethren the Franks, at a time when the genius of France waved the hand of friendly ſalutation to the people of Britain.

Weary of the inactive ſcene of calm ſpeculation, and of balancing on the ſlippery verge of war, the miniſter of the crown firſt ſtirred up the flame of diſcord, and is now ſtriving to extinguiſh it with a deluge of human blood. The pen of the hiſtorian who commemorates the origin, progreſs, and termination of the preſent war muſt run with blood; but it will be impoſſible for him to perſuade future generations to believe, that Engliſhmen, after having ſhed

oceans of blood on the plains of Germany to ſupport the poſſeſſions of a foreign family, and after having deſolated America, to oppoſe the cauſe of freedom, ſhould ſtill be ſo ſtubborn, againſt their own intereſt and that of mankind, as to ſuffer the continuance of a war, from which they are to retire only with diſgrace, accumulated taxes, and murdered carcaſes. To inſtigate the tardy ſpirit of our countrymen to ſcenes of havoc, ancient inveteracies and the barking cerberian ſyſtem of animoſity which the intrigues of courts had rendered national were on this occaſion revived. The old cry that the church and ſtate (*tithes and taxes*) were in danger, was circulated with the rapidity of thought, throughout the empire. Nor has the friendly aid of the church, or the bench been unſolicited; chriſtianity forgot its mildneſs, and juſtice its decorous ſilence. The temple of the God of Peace has been converted into a rendezvous of war, whence the militant church have beaten a general cruſade againſt the liberties and happineſs of

the

the human race. And to fill up the measure of ſacerdotal iniquity theſe intolerant and bloody miniſters of a merciful Maſter, have forſaken the meek character of their profeſſion, and with the ſpirit of fiends, have marched at the head of drunken recruits, to light a world to arms, to convert the peaceful plains of Europe into a frightful camp, and to revive at the cloſe of the eighteenth century the horrid days of Attila and Ghenghis.

Such has been the aweful and ominous commencement of a war, at which the boſom of humanity already heaves in agony, and which freezes the blood and harrows up the ſoul of the virtuous man; the effects of which muſt viſit unborn generations, and which is not likely to be concluded, until it has made a deſert of Europe, and ſwept away the flower and beauty of mankind.

Let us never forget, that this malignant and hoſtile temper between the two nations was unknown in the earlier chronicles

of

of our hiſtory. To Louis the Fourteenth affecting univerſal monarchy, and to the royal edict of Louis the Fifteenth, which firſt ſtyled the Britiſh nation, *nos veritables ennemies*, we are to attribute this hateful ſyſtem of national ill-will. Thoſe continental wars have been long ſince reprobated and the late treaty of commerce, together with the change in the habit of thinking, occaſioned by the ſubverſion of the ancient deſpotic court and the torrent of light that overwhelmed their former national manners, have combined to ſoften the haughty retired character of our countrymen, and have operated ſo great a change in the opinions and conduct of the French, as to make a nation formerly deemed inconſtant and full of levity, fixed and ſteady to their purpoſe, heroic from the love of their country; benevolent, open-hearted, and friendly from their love of all mankind, wiſe, intrepid, patient and forgiving from intereſt; good fathers, loving huſbands, obedient children from principle. Nor ought we haſtily to

decide

decide on the character of a people, until we have ſifted the laws, inſtitutions and manners by which they are governed. I have before obſerved, that national opinions are regulated by thoſe who direct the tone of moral conduct to a nation; we are not juſtified therefore in judging of the French nation by the fugitives here, who are the ſcum of France, and who have *fortunately brought with them into this deluded country*, all the vices and infamies that diſgraced the proſtituted courts of Marli, Verſailles, and St. Cloud. Admitting (which I am by no means inclined to do) that the preſent war was undertaken on juſtifiable grounds—for the ſake of *defending* the Dutch Stadtholder on the throne of Holland; yet every diſpaſſionate man muſt allow, that the object of our armaments has been accompliſhed (though not by our arms). The war is now converted into an *offenſive* one, altho' our ally is ſaved from the late impending danger, and the brave invaders driven back (*by treachery*) within their own confines. Our

court

court has bargained for a long period of years with a royal dealer in human fleſh, from which we muſt conclude either that the preſent will not be a ſhort war, and that *a few additional taxes will not be adequate to its ſupport*, or *(which is moſt probably the caſe) that this ſupply of human fleſh is to be laid up for ſome more ſuitable and deep-laid purpoſe.*

Preſuming then that an offenſive war is juſtifiable, let us enquire for what we are at preſent contending? It is ſaid, reparation of the inſult, ſatisfaction for the ſuppoſed injury, and aſſurance that we ſhall be no farther troubled. As to the firſt, i truſt there is no one will deny that we have already obtained it, for what reparation can be more complete than the retreat of the invaders? And if ſatisfaction mean a diſmemberment of the French empire, and we are in colluſion with the league of deſpots who at Pilnitz and afterwards at Pavia, agreed to divide Poland, ſhare the ſpoil of European Turkey, and divide the republic

of

of France, i muſt affirm that ſuch a local ſatisfaction cannot be made that will not endanger our political exiſtence. We have had enough of continental poſſeſſions and of continental alliances, the direful effects of which we feel in that monumental debt, the wretched bequeſt of waſteful and of bloody wars. Extent of territory would be the germ of future diviſions and quarrels; and if we deſire the French colonies in the Weſt Indies, nothing remains but negociation, the conſequence of which would be the unreluctant ſurrender of every one of them. The French are grown weary of *colonial eſtabliſhments, which only waſte the ſtrength of the mother country, and open wide the gates of patronage and corruption.* But, moſt likely this war is continued in deſpair, and to roll the public eye in frantic horror from the proſpect of domeſtic miſeries, towards rivers dyed with the crimſon ſtain of our mangled or murdered brethren. If ſuch be the criminal enterprize we are purſuing, and for the ſupport of which, we

have already ſuffered one of the ſcales of the famed balance of powers to kick the beam, or, if it be to execute any of the dark ſchemes of courts, let us briefly purſue it to its probable iſſue.

There never was, nor never will be again, a war like the preſent. It is the laſt of Europe. It is a war of twenty-eight millions of human beings, contending for every thing that is dear to man, againſt a few kings vainly attempting to ſubjugate them. There are enemies too, more terrible than kings, which are involved in the conteſt—the accumulated errors and prejudices of ages, by which alone the deſpotiſms of Europe are upheld. A thread balances this mighty maſs of ancient tyrannies, which, if once cut, a world of miſery will burſt into atoms. The French are no longer the ſubjects of a king, but of the law which themſelves have made; and every ſuch a ſubject is a MAN. Their force is beyond all calculations, and their reſources unexhauſted. The Genius of France

France is again arouſed and her National Guards, who laſt autumn, after having driven the enemy from the plains of Champagne, returned to their homes, in hopes of ſeeing happier times, are forming their battalions, and marching in hoſts to the frontiers. *They have now quitted for the laſt time the boſom of their wives and families, with a fixed reſolve, to direct the burſting paſſions of the French republic againſt the confederate powers, and to give a finiſhing, an exterminating blow.* The public liberty will be maintained; conſpirators and ſlaves will feel their intrepidity. "To reduce the territory of this empire to the yoke, it will be neceſſary to deſtroy the whole nation; Deſpotiſm, if it pleaſe, may make the attempt.—*It will either fail or at the concluſion of its triumphs will find only ruins* *."

France muſt triumph ultimately. She will erect in the center of Europe a republic founded on the ſublime principles

* Addreſs of the Aſſembly to the French Nation.

of liberty and equality, which will make kings tremble on their purple thrones, and finally wreſt the ſceptre of deſpotiſm from the hands of tyrants, while we ſhall exhibit a ſcene of haggard diſtreſs which will be felt in the remoteſt village, and moſt miſerable cottages of our empire. In this poſture we ſhall continue, until we are forced to hold out our hands to the ſhackles and ſubmit to a worſe and more deplorable condition. Theſe are the glorious works of ſuch rulers, as men think they cannot diſpenſe with!

Though the war may operate to prevent the importation of French principles, as they are called, it cannot hinder men of feeling from weeping in ſecret over the fate of the ſlaughtered heroes of France, whether they be conſidered as men acting from a conſciouſneſs of right, or from the influence of deluſion.

I ſhall now conclude a letter which has exceeded the ordinary length, with a few remarks, that may merit the notice of our country-

countrymen. In an age when diviſions of countries are ſo frequent, it is not improbable, that after having broken the power, the combined powers may proceed to divide the kingdom of England. Nor is this an impracticable project; for whoever has ſeen the riſing power of the Ruſſian empire, muſt give credit to this opinion, as even the ſchemes that are deemed moſt viſionary by thinking men, are generally thoſe which are adopted by courts. But, if (as moſt certainly will be the caſe) the honey moon between the She-wolf of the north and Pruſſia ſhould paſs away, another conflagration muſt take place in Europe, in which, *as uſual*, we muſt take an active part, and our commerce be for ever annihilated, and our people cruſhed by taxes. *Much blood remains to be ſhed in Poland*; and depend upon it, that no war can occur from this period in Europe, in which we ſhall not be drawn, by our alliances, either to waſte our precious blood, or exhauſt our national wealth. i repeat the aſſertion,

there is a league formed to rob us of what remains of our liberty and to weaken our power which has been long the object of European jealouſy.

But i yet confide in the virtue and public ſpirit of our countrymen, who are not ſunk into the wretched dependence of *German boors*, and whoſe minds have been prepared during the laſt four years for bolder and more trying ſcenes. It will be unneceſſary to ſuggeſt that the voluminous catalogue of public oppreſſions, has ſoured them into a love of liberty, which would have required a longer period of time for reaſon alone to produce. Things are haſtening faſt to a deciſion, and you as well as myſelf will ſhortly know, whether we are to have the mournful honour of attending the laſt parting ſteps of liberty to the Cypreſs ſhade, whence we may deplore our ill-fated country, or whether, our indignant fellow-citizens perceiving the elemental war of prejudices roll beneath them, ſhall demand the peaceable reſtitution of their

Rights,

Rights, and the manumiſſion of the human race from the manacles of ſuperſtition and the fetters of political ſervitude.

I am, Fellow-Citizen, and

Fellow-Sufferer, under ——,

your's, &c.

HENRY YORKE.

Derby, July 1, 1793.

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